



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALFREDO VASQUEZ-TAMANTES

Defendant.

Case No.: 12-14081 - 2

ORDER OF DETENTION

I.

A. On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving:

- 20 1. a crime of violence.
- 21 2. an offense with maximum sentence of life imprisonment or death.
- 22 3. a narcotics or controlled substance offense with maximum sentence
23 of ten or more years.
- 24 4. any felony - where defendant convicted of two or more prior
25 offenses described above.
- 26 5. any felony that is not otherwise a crime of violence that involves a
27 minor victim, or possession or use of a firearm or destructive device
28 or any other dangerous weapon, or a failure to register under
18 U.S.C. § 2250.

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2 B. On motion by the Government/() on Court's own motion [18 U.S.C.
3 § 3142(f)(2)], in a case allegedly involving:
4 1. a serious risk that the defendant will flee.
5 2. () a serious risk that the defendant will:
6 a. () obstruct or attempt to obstruct justice.
7 b. () threaten, injure or intimidate a prospective witness or
8 juror, or attempt to do so.

9 C. The Government is/() is not entitled to a rebuttable presumption that no
10 condition or combination of conditions will reasonably assure the defendant's
11 appearance as required and the safety of any person or the community.

12

13 II.

14 A. The Court finds that no condition or combination of conditions will
15 reasonably assure:
16 1. () the appearance of the defendant as required.
17 and/or
18 2. () the safety of any person or the community.

19 B. The Court finds that the defendant has not rebutted by sufficient evidence
20 to the contrary the presumption provided by statute.

21

22 III.

23 The Court has considered:
24 A. the nature and circumstances of the offense(s) charged, including whether the
25 offense is a crime of violence, a Federal crime of terrorism, or involves a minor
26 victim or a controlled substance, firearm, explosive, or destructive device;
27 B. the weight of evidence against the defendant;

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1 C. the history and characteristics of the defendant; and
2 D. the nature and seriousness of the danger to any person or the community.

4 **IV.**

5 The Court also has considered all the evidence adduced at the hearing and the
6 arguments and/or statements of counsel, and the Pretrial Services Report /
7 recommendation.

8 **V.**

9 The Court bases the foregoing finding(s) on the following:

10 A. As to flight risk:
11 Lack of bail resources
12 Prior failures to appear / violations of probation/parole
13 No stable residence or employment
14 Ties to foreign countries / financial ability to flee

15 _____
16 _____
17 _____
18 _____
19 B. As to danger:
20 Nature of prior criminal convictions
21 Allegations in present indictment
22 Drug / alcohol use
23 In custody for state offense

24 _____
25 _____
26 _____
27 _____
28 _____

1 VI.
2

3 A. () The Court finds that a serious risk exists the defendant will:
4 1. () obstruct or attempt to obstruct justice.
5 2. () attempt to/ () threaten, injure or intimidate a witness or juror.
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7 B. The Court bases the foregoing finding(s) on the following:
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12 VII.
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14 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
15 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of
16 the Attorney General for confinement in a corrections facility separate, to the
17 extent practicable, from persons awaiting or serving sentences or being held in
18 custody pending appeal.
19 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
20 opportunity for private consultation with counsel.
21 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
22 request of any attorney for the Government, the person in charge of the
23 corrections facility in which defendant is confined deliver the defendant to a
24 United States marshal for the purpose of an appearance in connection with a
court proceeding.

25 DATED: 6/13/12

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MICHAEL R. WILNER
UNITED STATES MAGISTRATE JUDGE